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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,055	03/20/2000	HANS-DIETER HECKER	P00.0069	7794
29177	7590	07/15/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,055

Applicant(s)

HECKER, HANS-DIETER

Examiner

Gerald Gauthier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim(s) Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claim(s) at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. **Claim(s) 9, 12, 14 and 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Eslambolchi et al. (US 5,875,422) in view of Flanagan et al. (US 6,292,769 B1).

Regarding **claim(s) 9**, Eslambolchi discloses a method in a communication system (10 on FIG. 1) for translating messages that are directed to a called subscriber (14 on FIG. 1) into a language that is dependent upon the called subscriber (FIG. 1 and column 1, lines 7-10), the method comprising the steps of:

storing display texts (column 3, line 15 "prompts"), in the communication system, for a dialogue operator interface (26 on FIG. 1) of internal terminal devices (10 on FIG. 1) in several languages (column 3, lines 14-26) [The front end processor provides the calling party with an announcement to choose among several languages]; and

forming the selector information dependent on the language of the display text for the dialogue operator interface that is selected by a subscriber (column 3, lines 14-26) [The switch launches a call to the called party based on the language chosen by the calling party].

Eslambolchi discloses storing selector information designating a language the calling party invoking a translation of the communication but fails to disclose the translation being done automatically based on a predetermined selection.

However, Flanagan, in the same field of endeavor, teaches storing selector information designating a language that is allocated to a relevant subscriber for internal subscribers in the communication system (FIG. 5 and column 13, lines 14-19) [The information management stores for each participant their language preferences];

comparing the selector information of a calling subscriber, when a connection is set up, to the selector information of the called subscriber (FIG. 5 and column 13, lines 14-25) [The selected topic is presented to the participant based on its language preference]; and

automatically activating a loop-in function, when items of the selector information of the calling subscriber differs from the selector information in the called subscriber, which effects an insertion of a translator into the connection (FIG. 5 and column 13,

lines 33-48) [The process for monitoring communications submitted to the conference room 168 arranges for translation using the translation engine 174 when the participants have different language preferences].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Eslambolchi using the translation engine as taught by Flanagan.

This modification of the invention would allow the system to automatically translate the communications if the called party language were different so that the subscriber would have the advantage to participate in conference sessions with subscribers who speak different languages.

Regarding **claim(s) 12**, Eslambolchi discloses transmitting, when a calling terminal device and a called terminal device are allocated to different communication systems, the selector information from the communication system of the calling terminal device to the communication system of the called terminal device (column 4, lines 38-55).

Regarding **claim(s) 14**, Eslambolchi discloses transmitting, in cases when a calling terminal device and a called terminal device are allocated to different communication systems, the selector information from the communication system of the called terminal device to the communication system of the calling terminal device (column 4, lines 38-55).

Regarding **claim(s) 16**, Eslambolchi discloses deactivating the loop-in function (column 4, lines 1-10).

Regarding **claim(s) 17**, Eslambolchi discloses wherein the message to be translated is at least one of a voice message, a fax message, a video message and a message for electronic mail (column 4, lines 56-65).

Regarding **claim(s) 18**, Eslambolchi discloses a system in a communication system for translating messages that are directed to a called subscriber, into a language that depends on the called subscriber (column 1, lines 7-10), the system comprising:

a text memory (26 on FIG. 1) in which display text for a display operator interface of internal terminal devices (12' on FIG. 1) are stored in several languages (column 4, lines 38-55) [The calling party is prompt to choose the preferred language in options display on the computer]; and

at least one translator (28 on FIG. 1) for translating at least one of spoken language and text (column 3, lines 41-51) [The front end processors translate the speech received from both parties].

Eslambolchi discloses the calling party invoking a translation of the communication but fails to disclose subscriber-specific storage elements and the translation being done automatically based on a predetermined selection.

However, Flanagan, in the same field of endeavor, teaches subscriber-specific storage elements in which an item of selector information that identifies a language that

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has been selected for the subscriber terminal is respectively stored (FIG. 5 and column 13, lines 14-19) [The information management stores for each participant their language preferences]; and

a control unit for controlling a loop-in function that effectuates an insertion of a translator into a connection between the called subscriber and a calling subscriber in cases when the selector information allocated to the called subscriber is different from the selector information allocated to the calling subscriber (FIG. 5 and column 13, lines 33-48) [The process for monitoring communications submitted to the conference room 168 arranges for translation using the translation engine 174 when the participants have different language preferences].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Eslambolchi using the translation engine as taught by Flanagan.

This modification of the invention would allow the system to automatically translate the communications if the called party language were different so that the subscriber would have the advantage to participate in conference sessions with subscribers who speak different languages.

4. **Claim(s) 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Eslambolchi in view of Flanagan as applied to **claim(s) 12 and 14** above, and further in view of Shaffer et al. (US 6,240,170 B1).

Regarding **claim(s) 13 and 15**, Eslambolchi in combination with Flanagan as applied to **claim(s) 12 and 14** differ from **claim(s) 13 and 15**, in that it fails to disclose an ISDN call signaling.

However, Shaffer teaches transmitting the selector information in the framework of an ISDN call signaling (column 2, lines 29-49).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use an ISDN call signaling of Shaffer in the invention of Fung.

The modification of the invention would offer the capability of an ISDN call signaling such as the system would improve the ability of voice processing systems to handle various languages.

Response to Arguments

5. Applicant's arguments with respect to **claim(s) 9 and 12-18** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

July 7, 2005



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